

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, MARCH 5, 2003
MAINE EMS CONFERENCE ROOM, AUGUSTA**

MEETING MINUTES

Present: , S. Leach, R. Doughty, R. Doughty, A. Azzara

Staff: D. White, D. Kinney,

Legal Counsel: L. Yustak Smith

Guests: Joanne LeBrun; Edward Nelson

1. Call To Order: The meeting was called to order at 12:50 p.m.

A. Additions/Deletions to the Agenda - None

2. Investigations – Executive Session

The Committee voted to enter executive session for the purpose of discussing investigations.

Motion to enter executive session (Doughty; Knowlton –motion carries)

The Committee entered executive session at 12:58 p.m. for the purpose of discussing investigations and exited executive session at 1:25 p.m.

D. Update for Action – Case 01-11 (Note: this investigation was taken out of order to facilitate attendance by Joanne LeBrun, Regional Coordinator of Tri County EMS, Lewiston.

The Committee directed staff to contact the subject of Case #01-11 regarding the licensee's current status and intentions concerning renewal and entering into a consent agreement to resolve the investigation.

The Committee voted to enter executive session for the purpose of continuing its discussion of investigations

Motion to enter executive session (Doughty; Knowlton –motion carries)

The Committee entered executive session at 1:54 p.m. for the purpose of discussing investigations and exited executive session at 3:08 p.m.

A. Request for Investigation Case 03-01

Staff notified the committee that an investigation would be initiated based upon a written complaint that has been received

B. Investigation Review – Case 02-08

Motion: That the dispatch issues that led to a complaint being filed against the licensee be referred to the Northeastern Region EMS Council, its Quality Assurance program and its regional medical director with a request that the issues be reviewed and solutions sought in concert with the licensee and the regional communications center; and that upon notification by the regional council that a resolution to the concerns and issues has been reached, to close the case (Knowlton; Azzara – motion carries with Doughty recusing).

C. Update for Action – 01-14

The committee requested additional information and directed that once the information is received that staff confer with the AAG regarding an informal conference.

D. Update for Action – Case 01-11 (See above)

E. Update for Action – Case 99-08

Staff notified the committee that the subject of the complaint is no longer licensed.

Motion: That copies of the Complaints and Orders for Protection from Abuse be obtained for the record; that the licensee's license to practice EMS patient care has expired; that the committee directs staff to file case # 99-08 until such time as the licensee applies for a license; and that upon application of the licensee for a license, to reopen the file and consider the information therein as part of any licensing action (Leach; Knowlton – motion carries)

F. Update for Action – Case 02-03

The committee directed staff to continue its investigation.

G. Update for Action – Case 01-06

Motion: To refer this case to the Board for summary revocation (Doughty; Knowlton – motion carries)

H. Investigation Initiation – Case 03-02

The Committee directed that an investigation of the licensee and the licensee's service be initiated based upon allegations of unlicensed practice (Leach;Doughty – motion carries)

3. Applications

A. Ed Nelson – Informal Review 1:30 p.m.

The Committee held an informal review with applicant Edward Nelson concerning his 1989 conviction for drug trafficking. Mr. Nelson provided the committee with oral and written information about the conviction and of his efforts at rehabilitation.

Motion: That the Committee offer Mr. Nelson a 3 year consent agreement in order for the applicant to receive a license (Doughty; no second –dies for lack of second)

Motion: That Edward Nelson’s conduct that led to his 1989 conviction for Trafficking in Cocaine, Class B, and Operating Under the Influence, Class D, constitutes violations of Maine EMS Rules §11.A.5 – Acting in ways which are dangerous or injurious to the public; That Mr. Nelson failed to disclose his 1989 conviction for Operating Under the Influence, Class D, on his February 21, 2003, application for licensure, which is a violation of §11.A.1; that the violations are mitigated because of Mr. Nelson’s acknowledgement of the seriousness of the conduct leading to the convictions, his positive efforts towards rehabilitation and community service, the age of the conduct underlying the convictions and that Mr. Nelson has no other history of criminal convictions since 1989. Therefore, the committee directs that staff issue a license to Mr. Nelson with a letter of guidance expressing the Committee’s concern regarding the convictions, Mr. Nelson’s failure to list his conviction for Operating Under the Influence, and his efforts at rehabilitation (Leach; Azzara – motion carries).

B. Jason Sanford – Informal Review – 2:00 p.m.

The informal review was canceled as members Knowlton and Doughty were required to recuse themselves from the proceedings because they are employed by the same company as Mr. Sanford and C. Pillsbury was not in attendance at today’s meeting, as would be required for a quorum. Staff will reschedule the informal review.

C. Karen Roy

The committee reviewed the applicant’s 1998 arrest for Theft by Unauthorized Taking/ Transfer, Class E. The applicant picked two containers of coffee from a shelf at a supermarket and then proceeded to the service desk where she tried to get a merchandise credit for the items.

It was noted that this offense was filed by the court system.

Motion: That the conduct of the applicant is of concern to the committee; that the applicant was not convicted for her 1998 summons for Unauthorized Raking/Transfer; that the applicant is employed and has regained her Certified Nurses Assistant (CNA) Registry; that the applicant is eligible for Maine EMS licensure; and that the applicant receive a letter of guidance concerning her 1998 summons for Unauthorized Taking/ Transfer and of the expectations placed upon her by the Maine EMS system (Doughty; Knowlton – motion carries).

D. Daniel Bruns

The Committee reviewed Mr. Bruns history of a contempt citation from a Maine court concerning failure to pay college tuition for a child. Mr. Bruns provided information concerning the events leading to and the resolution of the contempt order.

The committee directed that Mr. Bruns be notified that he is eligible for licensure.

E. Todd Fortier

This matter was tabled by the committee until such time as the docket record for Mr. Fortier could be obtained.

F. Shawn Sullivan

The committee reviewed Mr. Sullivan's history of Illegal Possession of Drug Paraphernalia (civil violation), Operating after Suspension, and Displaying a suspended or revoked Operators License, all of which occurred in 1991.

Motion: That the applicant has provided information regarding his 1991 history of Possession of Drug Paraphernalia (civil violation), Operating after Suspension, and Displaying a suspended or revoked Operators License and that the applicant has no other history with the criminal justice system since the incidents in 1991. Therefore, the committee directs that the applicant be licensed (Doughty; Azzara – motion carries).

G. John Maguire Jr.

D. Kinney reported that some, but not all of the information requested of Mr. Maguire had been received. She also indicated that information has been received that Mr. Maguire had been charged with Terrorizing prior to his informal conference with the committee.

The committee directed that the inquiry into Mr. Maguire continue.

4. Other - Franklin Memorial Hospital Correspondence

The committee reviewed a letter from Franklin Memorial Hospital, Farmington, Maine, parent organization of Lifestar Ambulance Service. The letter described mismanagement issues and resolutions regarding the service's Avon/Madrid/Phillips (AMPs) base and its former director, Paramedic Mike Comber. The issues included, but were not limited to failure to submit Maine EMS run reports to the Maine Health Information Center and failure to complete and/or secure reports. The letter indicated that former director Mike Comber has been terminated from employment.

Tri County EMS Regional Coordinator Joanne LeBrun was present to provide a regional perspective on the situation.

Motion: That a letter be sent to Franklin Memorial Hospital thanking them for reporting the problems at AMPs ambulance service and outlining the correctives measures taken; and that Michael Comber receive a letter of guidance regarding his responsibilities in run report documentation and security (Doughty; Knowlton – motion carries).

5. Next Meeting

The next meeting will be scheduled after the next MEMS Board meeting

6. Adjourn – The meeting was adjourned at 4:10 p.m.

Respectfully submitted,

Drexell White, Licensing Agent